

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated April 14, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1, 3-7, 9 and 11 are pending in the Application.

In the Office Action, claims 1, 3-7, 9 and 11 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. In response, drawings FIGs. 5 and 6 are amended to distinguish the metal provided in the apertures 14 from the functional layer 15. The functional layer 15 is identified in the Application as such at page 16, lines 8-9 of the substitute specification. The cross hatching of the active, oxidic, and base layers 11, 12, 13 in FIG. 5 follows that of the preceding FIGs. 1-4. The apertures 14 are described at page 16, lines 1-6 of the substitute specification, where FIG. 5 is described. Also see the last paragraph of the specification.

Further, note that the originally filed FIGs. 5 and 6 also identify the horizontal layer as the active layer 11. Thus, as

clear from the specification, the horizontally illustrated layer 15 is the active layer 11 of FIGs. 1-4.

As with regard to what the Final Office Action refers to as "Other examples of new matter" (see the bottom of page 3 of the Final Office Action). All the matter referenced is present in the specification as filed.

In the Final Office Action, the drawings are objected to for various reasons set forth on pages 4-7 of the Final Office Action. In response, a new drawing sheet is submitted including amended FIGs. 4-6. As noted above, FIGs. 4-6 are amended to distinguish apertures 14 that connect the functional layer 15 to the electrodes. As discussed above, contrary to the statement at page 4 of the Final Office Action, the active layer 11 is not removed, but remains as the active layer 15.

Accordingly, Applicants respectfully request approval of the enclosed proposed new drawings and withdrawal of the drawing objection.

Claims 1 and 3-5 are rejected under 35 U.S.C. §102(b) over U.S. Patent Publication No. 2002/0050599 to Lee ("Lee"). Claims 1, 3-7 and 9 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,750,924 to Murade ("Murade"), individually under 35 U.S.C.

§102(b), and under 35 U.S.C. §103(a) over Murade in view of Lee. Claim 6 is rejected under 35 U.S.C. §102(b) over Murade, and under 35 U.S.C. §103(a) over Murade and Lee. Claim 11 is rejected under 35 U.S.C. §103(a) over Murade and Lee, and further in view of European Patent Publication No. WO 02/073572 to E. Ink Corp. ("E. Ink Corp."). It is respectfully submitted that the claims are allowable over Lee, Murade, and E Ink Corp., for at least the following reasons.

Lee, in FIGs. 4D-4F on which the Final Office Action relies for rejecting claim 1, shows an aperture 167 that is filled with the pixel electrode 171 provided on the second side of the passivation layer 165.

In contrast with the teachings of Lee, claim 1 recites "the at least one aperture is filled with conductive material, the conductive material connecting the active and functional layers." Support for this limitation is provided at page 16, line 4 of the Application. It is respectfully submitted that Lee does not teach, disclose, or suggest a metal, or other conductive material in the aperture for connecting the active layer 155 and the pixel electrode layer 171.

Murade in FIGs. 7A and 7B, on which the Examiner relies for rejecting claim 1, discloses "a contact hole 52 passing through the insulating film 32, a first insulating interlayer 41, and the second insulating interlayer 42." This teaches away from active and functional layers 11 and 13 being disposed on opposing first and second sides of a single substrate layer 12 of insulating material as set out in claim 1.

Therefore, it is respectfully submitted that the device of claim 1 is not anticipated or made obvious by the teachings of Lee and Murade.

Based on the foregoing, the Applicants respectfully submit that independent claim 1 is patentable over Lee and Murade and notice to this effect is earnestly solicited.

E. Ink Corp. does not remedy the limitations of Lee and Murade and has not been used to reject independent claim 1.

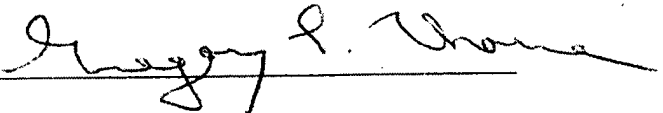
Claims 3-7, 9, and 11 respectively depend from claim 1 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims.

Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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Enclosure: Replacement drawing sheet (1 sheet including FIGs. 4, 5, and 6)

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